

Docket No. FJ-2003-046-US  
(MAS.018)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Koki Okamura

Serial No.: 10/733,380

Group Art Unit: 2164

Filed: December 12, 2003

Examiner: Sathyanaraya R. Pannala

For: FILE TRANSFER PROGRAM

Honorable Commissioner of Patents  
Alexandria, VA 22313-1450

**SUBMISSION OF EXECUTED DECLARATION  
UNDER 37 C.F.R. § 1.131**

Sir:

In response to the Office Action dated June 5, 2006, and further to the Amendment under 37 C.F.R. § 1.111 filed on September 5, 2006, please enter and consider the attached executed Declaration under 37 C.F.R. § 1.131, and the accompanying Exhibit 1 and Exhibit 2 (English language translation).

It is noted that a verified English language translation of the foreign priority document JP 2002-361998, was filed on September 5, 2006, thereby perfecting Applicant's claim to priority under 35 U.S.C. § 119(a)-(d).

Accompanying this Submission is an executed Declaration under 37 C.F.R. § 1.131, which swears behind the effective prior art date of the Allam (U.S. Patent Publication No. 2004/0139400) reference.

For the foregoing reasons, the Allam reference should be removed as prior art and the Examiner is requested to permit the present application to pass to immediate allowance.

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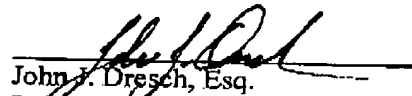
In view of the foregoing, Applicants submit that claims 1-14, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: November 14, 2006

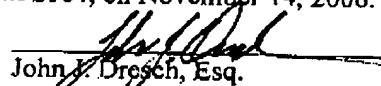
  
John J. Dresch, Esq.  
Registration No. 46,672

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**CERTIFICATE OF TRANSMISSION**

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed **Submission of Declaration under 37 C.F.R. § 1.131, Exhibit 1, and Exhibit 2 (English translation)**, to Examiner Sathyanaraya R. Pannala, Art Unit 2164, on November 14, 2006.

  
John J. Dresch, Esq.  
Registration No. 46,672  
Sean M. McGinn, Esq.  
Registration No. 34,386

Docket No. FJ-2003-046-US  
(MAS.018)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Koki Okamura

Serial No.: 10/733,380

Group Art Unit: 2164

Filed: December 12, 2003

Examiner: Sathyanaraya R. Pannala

For: FILE TRANSFER PROGRAM

Honorable Commissioner of Patents  
Alexandria, VA 22313-1450

**DECLARATION UNDER RULE 37 C.F.R. § 1.131**

Sir:

I (Koki OKAMURA), do hereby state that:

- 1) I am the sole inventor of the above-identified application.
- 2) The FILE TRANSFER PROGRAM was known to me earlier than October 23, 2002, as shown in the enclosed "Invention Disclosure Documents" (Exhibit 1) and English translation thereof (Exhibit 2).
- 3) The effective date of the "Invention Disclosure Documents" (Exhibits 1 and 2) is earlier than October 23, 2002 and the date thereof has been redacted.
- 4) The "Invention Disclosure Documents" (Exhibit 1) were incorporated into Japanese Application Serial No. JP 2002-361998, and the application and the executed formal papers were filed in the Japan Patent Office on December 13, 2002.
- 5) The contents of the enclosed "Invention Disclosure Documents" (Exhibit 1) have been incorporated into the specification of the present invention, upon which claims 1-14 are based.

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6) The above clearly evidences a completion of the invention (e.g., an actual reduction to practice) in the United States, a NAFTA or WTO member country before the U.S. filing date (e.g., October 23, 2002) of the parent Provisional Application 60/420,803, from which U.S. Publication No. 2004/0139400 to Allam claims priority. Therefore, U.S. Publication No. 2004/0139400 to Allam is removed as prior art under 35 U.S.C. § 102(e).

7) In the alternative, I declare that the claimed invention was conceived prior to October 23, 2002 (e.g., as shown by the attached "Invention Disclosure Documents" (Exhibit I) having a date (now redacted) prior to October 23, 2002 and, coupled with due diligence from a date before October 23, 2002, until the invention was constructively reduced to practice on December 13, 2002. That is, the application and the executed formal papers for Japanese Application Serial No. JP 2002-361998, from which the present application claims foreign priority under 35 U.S.C. § 119, were filed in the Japan Patent Office on December 13, 2002.

8) The facts above in 6) clearly show a completion of the invention in a NAFTA or WTO member country before October 23, 2002. Alternatively, the facts in 7) above show a conception of the invention prior to October 23, 2002, and due diligence from just before October 23, 2002, until the filing date (i.e., the constructive reduction to practice) of the foreign priority application on December 13, 2002.

I hereby declare that all statements made here of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Further declarant sayeth not.

Date: November 7, 2006

Koki Okamura  
Koki OKAMURA

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114-0455  
発明開示書

01-6124

U.S. Application Serial No. 10/733,380  
Attorney Docket No. FJ-2003-046-US  
Exhibit 1

作成者: 岡村広紀  
職場: 電設SF2

## \* 1. 発明の名称

ファイル上書き時の確認方法

## \* 2. 発明の技術分野

マルチメディアファイルをパソコンで扱う処理に関し、特にファイルをコピーする際の操作性向上を図るものである。

対象関連機種は必ず記載すること (例: SU-350)  
[対象関連機種が無ければ「無し」を○で囲む]

対象関連機種:

無し

- \* 3. 従来技術とその欠点 (他社特許、文献についてはコピー添付)  
検索式 (キーワード): ファイル\*上書き\*サムネイル

引用例	番号等	出願人	備考
1	特開平 11-234615	ミノルタ (株)	画像記録システム
2			
3			
4			

(本発明と従来技術の相違)

1の引用例ではファイルを記録媒体に転送する際、ファイル固有のコードを頼りにファイルの同一性を判断し、転送するかスキップするかを決定するものである。  
しかしながら、固有コードを持つファイルというのは特別なフォーマットのファイルであり、一般のファイルには固有コードが付加されないため、この発明の用途は限定的である。

## \* 4. 発明が解決しようとする課題

本発明は一般のファイルにも適用できる汎用的な方法であり、ファイルの上書き判断をユーザーに委ねるものの直感的に判断しやすい方法を提供する。

\* 5. 課題を解決するための手段

画像ファイルの転送時に転送先に同名のファイルが存在した場合、転送先のファイルのサムネイルと、転送しようとするファイルのサムネイルを画面に並べて表示する。  
転送元及び転送先のファイルが動画の場合、動画の先頭フレームをアイコン表示する。また、アイコンをクリックすることにより動画の再生を行い、ファイルの内容の確認が行える。  
転送元及び転送先のファイルが音声の場合、音声マークのアイコン表示表示する。また、アイコンをクリックすることにより音声の再生を行い、ファイルの内容の確認が行える。

\* 6 a. 実施例

以下、デジタルカメラの記録媒体に記録されたファイルを、ファイル管理アプリケーションを使用してPCのHDDに転送する場合を例に説明する。

アプリケーション上でカメラの記録媒体のフォルダを開き、転送したいファイルを選択する。続いて「転送」コマンドを選択すると、ファイルの転送先を選択する画面が現れるので、転送先のフォルダを選択する。  
アプリケーションは転送するファイル毎に転送先に同名のファイルが存在するか否かを確認する。存在しない場合はそのまま転送を行う。  
存在する場合は上書き確認の画面を表示する。その際、画像のサムネイル表示を行い、ユーザーが上書きしてもよいかの判断材料を与える。

なお、ファイルが動画の場合は先頭フレームをアイコン表示する。また、アイコンをクリックすることにより動画の再生を行い、ファイルの内容の確認が行える。  
ファイルが音声の場合は音声マークのアイコン表示表示する。また、アイコンをクリックすることにより音声の再生を行い、ファイルの内容の確認が行える。

6 b. その他の実施例

6 c. 考えられる他の用途

\* 7 a. 発明の効果

7 b. 発明の予期せざる効果

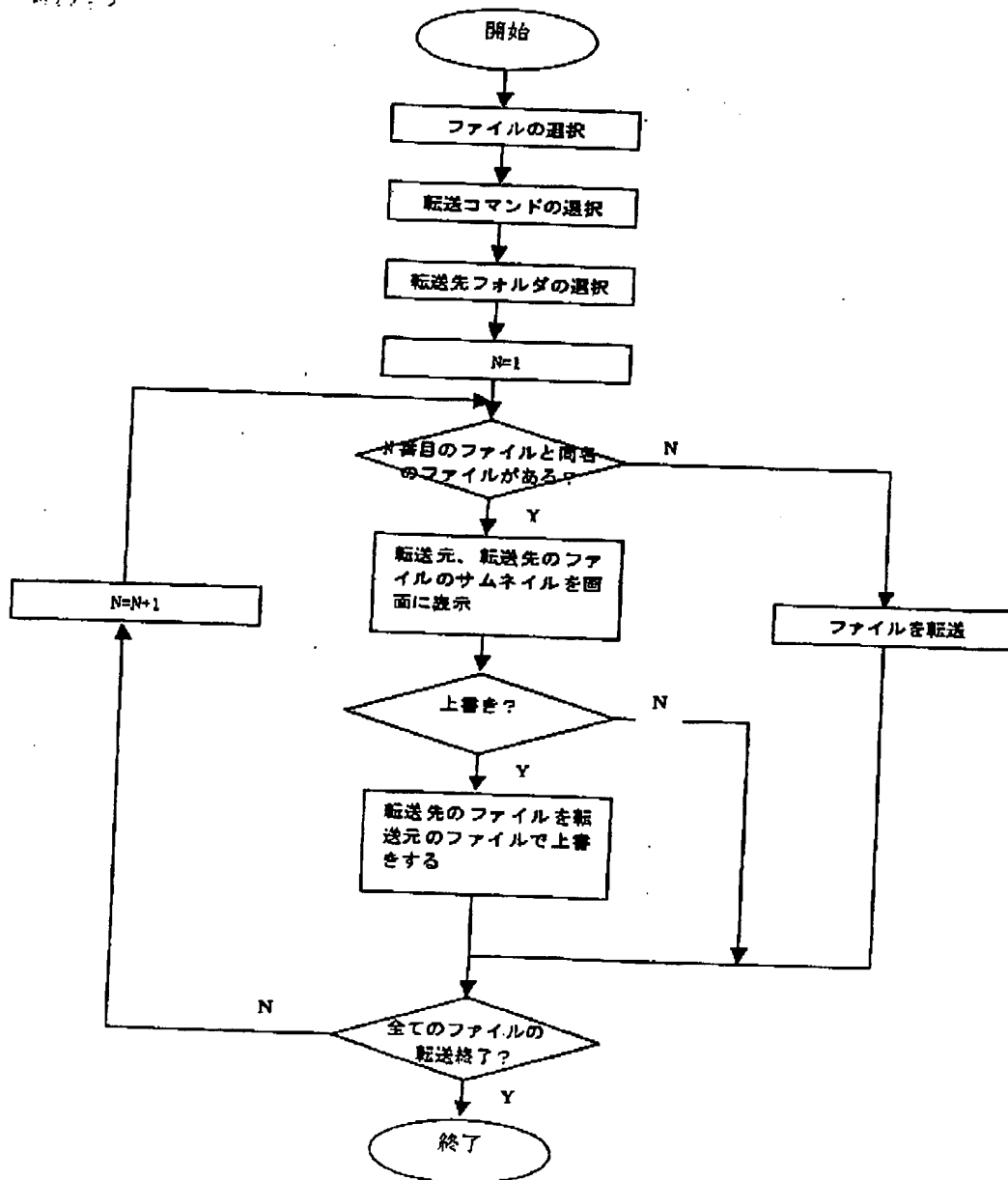
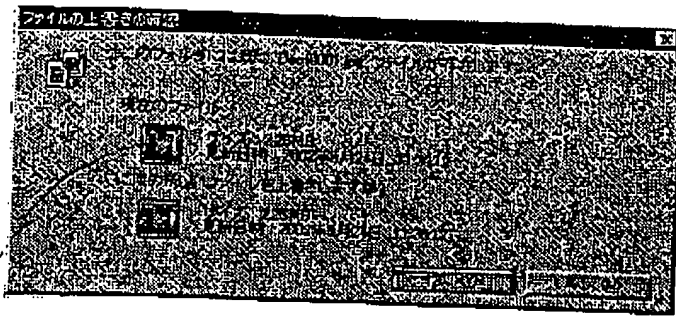
7 c. 実施例に特有の効果

8 a. 特許請求の範囲

8 b. 特許請求の範囲を規定する各技術的手段に関する段階的記載

## 9. 図面の簡単な説明

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U.S. Application Serial No. 10/733,380  
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 Exhibit 2

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To: Intellectual Property Department

## Invention Disclosure Statement

Document by Kohki Okamura  
 Office: Densetsu SF2

**\*1. The title of the invention**  
 A confirmation method when overwriting files

**\*2. Field of the invention**  
 In regards to the process of PCs handling multimedia files, especially to the provision of an improved operability when copying files.

**Make sure to inscribe the target/relevant models (e.g.:SU-350)**  
**[If there are no target/relevant models, please circle "None"]**

target/relevant models :

**None**

**\*3. Prior arts and their disadvantages (As for patents and documents of other companies, attaching copies are required).**  
 Search Formula (keyword) : File\*Overwrite\*Thumbnail

Cited Reference	Reference Number etc.	Applicants	Remarks
1	Japanese Patent Application Laid-open 11-234615	Minolta Co., Ltd.	Image Recording System
2			
3			
4			

(The difference between the present invention and the prior art)

Cited Reference 1, when transferring a file to the recording medium, judges the files' sameness by relying on the code unique to the file and determines whether to transfer it or skip it.

However, files having unique codes are files with special formats, and since the unique codes are not added to general files, the intended purpose of this invention is limited.

**\*4. Problems to be solved by the invention**  
 The present invention provides a method for allowing the users to viscerally judge whether to overwrite files, which can be versatily applied for general files.

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**\*5. Means for solving the problem**

In case there are files with a same name in both source and target destination when an image file is transferred, the thumbnail of the file to be transferred in the source and the thumbnail of the file in the destination are displayed side-by-side on the screen. When the files of the source and the destination are moving-images, the leading frame of the moving-image is shown as an icon. Clicking the icon plays the moving-image and allows a user to confirm the contents of the file. When the files of the source and the destination are audio, an audio mark icon is shown. Clicking the icon plays the audio and allows the user to confirm the contents of the file.

**\*6a. Embodiments**

Below, in case of transferring a file recorded in the recording medium of a digital camera, to an HDD in a PC using a file management application will be described as an example.

A user opens the folder of the recording medium in the application, and selects the file to be transferred. Next, selecting the "transfer" command will display a screen for selecting a target folder of the destination.

The application confirms whether files with same names already exist in the destination for every transfer file. If such files do not exist, transferring carries on.

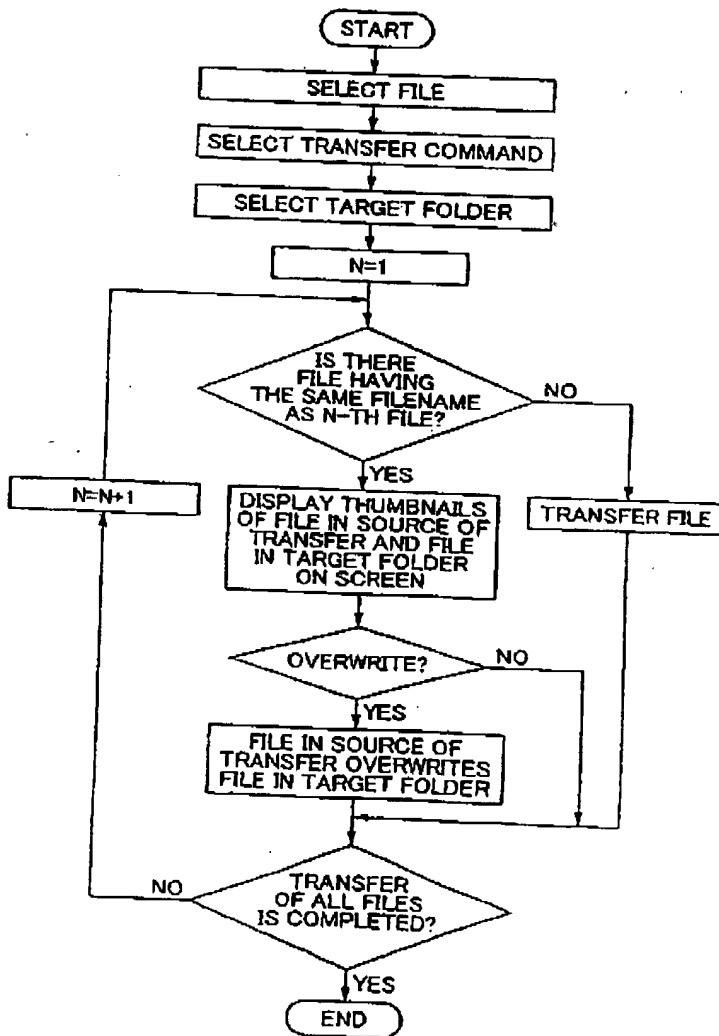
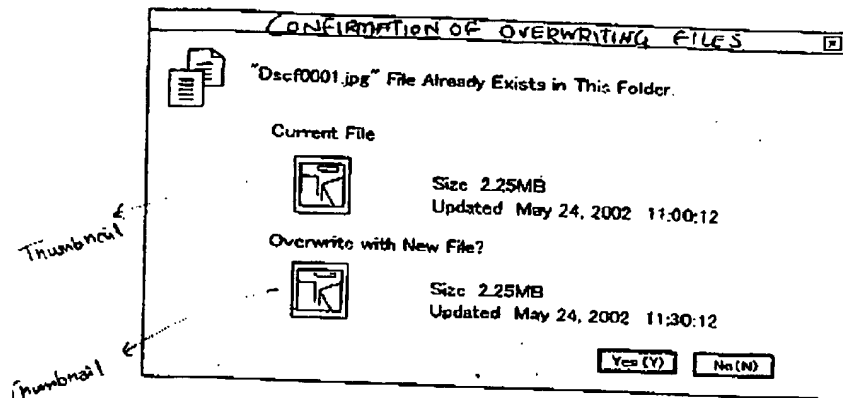
If there already exists a file with a same name, a screen to confirm the overwriting of the file will be displayed. In such case, the images are shown in thumbnails, providing to the user criteria for judging whether to be overwritten.

When the files are moving-image, the leading frame is shown as an icon. Clicking the icon plays the moving-image and allows the user to confirm the contents of the file.

When the files are audio, an audio mark icon appears. Clicking the icon plays the audio and allows the user to confirm the contents of the file.

**6b. Other embodiments****6c. Possible Other intended purposes****\*7a. The effect of the invention****7b. The unexpected effect of the invention****7c. the effect unique to the embodiments****8a. The scope of claim****8b. Gradual recitation related to each technical means that defines the scope of claim**

## 9. A brief description of the drawings



10/733,380 File transfer program

12-18-  
2006::18:48:39**Transaction History**

Date	Transaction Description
11-27-2006	Mail Final Rejection (PTOL - 326)
11-24-2006	Final Rejection
11-14-2006	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
09-05-2006	Request for Foreign Priority (Priority Papers May Be Included)
09-13-2006	Date Forwarded to Examiner
09-05-2006	Response after Non-Final Action
06-05-2006	Mail Non-Final Rejection
05-30-2006	Non-Final Rejection
12-12-2003	Information Disclosure Statement considered
05-03-2006	Case Docketed to Examiner in GAU
02-28-2006	Case Docketed to Examiner in GAU
01-14-2005	Case Docketed to Examiner in GAU
01-10-2005	Case Docketed to Examiner in GAU
01-03-2005	Case Docketed to Examiner in GAU
11-10-2004	Case Docketed to Examiner in GAU
09-17-2004	Correspondence Address Change
09-08-2004	IFW TSS Processing by Tech Center Complete
09-08-2004	Case Docketed to Examiner in GAU
12-12-2003	Request for Foreign Priority (Priority Papers May Be Included)
12-12-2003	Information Disclosure Statement (IDS) Filed
03-18-2004	Application Return from OIPE
03-18-2004	Application Return TO OIPE
03-18-2004	Application Return from OIPE
03-18-2004	Application Return TO OIPE
03-18-2004	Application Dispatched from OIPE
03-19-2004	Application Is Now Complete
02-17-2004	Cleared by OIPE CSR
01-04-2004	IFW Scan & PACR Auto Security Review
12-12-2003	Initial Exam Team nn

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10/733,380 File transfer program

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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

**Available Documents**

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11-27-2006	Search information including classification, databases and other search related notes	PROSECUTION	1
11-22-2006	Examiner's search strategy and results	PROSECUTION	1
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12-12-2003	Oath or Declaration filed	PROSECUTION	2
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